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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,165	10/22/2001	Terence Edward Sumner	47260-00007USPT	9446

7590

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EXAMINER

PATEL, AJIT

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 07/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,165

Applicant(s)

SUMNER ET AL.

Examiner

AJIT G. PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claim 1 recites the limitation "the wireless communication network" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6,8,10-16,18,20-26,28,30 are rejected under 35 U.S.C. 102(b) as being anticipated by H. Kuki (EP O 772,327).

Regarding claims 1, 11 and 21, Kuki discloses an electric mail forwarding system incorporating the steps of receiving, at the wireless gateway, a communication message from a first communication network, the communication message including address information associated with a subscriber (210 of fig. 3); storing, by the wireless gateway, the communication message, the communication message being stored in association with the subscriber (204 of fig. 3); and selectively sending, with the wireless gateway using the wireless communication network, at least a portion of the communication message to a wireless device (208,300, 100 of fig. 3).

Regarding claims 2,12,22, Kuki discloses the step of "selectively sending, with the wireless gateway using the first communication network, at least a portion of the communication message to a first communication device" (210,400 of fig. 3).

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Regarding claims 3, 13, 23, Kuki discloses the step of “storing by the wireless gateway, preference information in association with the subscriber” (lines 25-49, col. 14).

Regarding claims 4, 14, 24, Kuki discloses the step of “formatting, at a processing proxy, the communication message before the step of selectively sending the at least a portion of the communication message to the wireless device” (lines 11-21, col. 13).

Regarding claims 5, 15, 25, Kuki discloses the step of “establishing session information in association with a communication session, the session information providing threading and state information for session participant messages” (lines 39-58, col. 10).

Regarding claims 6, 16, 26, Kuki discloses the step of “the receiving step further includes validating a subscriber to which the communication message is addressed against stored subscriber validated information” (col. 16, line 53- line 10, col. 17).

Regarding claims 8, 18, 28, Kuki discloses the step of “the selectively sending step further includes routing the at least a portion of the communication message in accordance with stored location information, the stored location information indicating a location of the wireless device within the wireless network” (lines 43-49, col. 4).

Regarding claims 10, 20, 30, Kuki discloses the limitation “wherein the at least a portion of the communication message is determined in accordance with stored subscriber preference” (lines 25-34, col. 14).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7,17,27 are rejected under 35 U.S.C. 103(a) as being obvious over H. Kuki in view of A. Belpaire.

Kuki discloses all the claimed subject as described in previous paragraph except the step of formatting the at least a portion of the communication message in accordance with at least one of wireless device capabilities, and stored preference information associated with the subscriber. A. Belpaire discloses a method and apparatus for electronic mail transmission as short messages towards a mobile radio terminal incorporating the step of formatting the at least a portion of the communication message in accordance with at least one of wireless device capabilities, and stored preference information associated with the subscriber (col. 5, line 52- col. 8, line 8). Therefore, it would have been obvious to one skilled in the art to use the step of formatting the at least a portion of the communication message in accordance with at least one of wireless device capabilities, and stored preference information associated with the subscriber as taught by A. Belpaire in the system of Kuki in order to make the mail service gateway's working and functionality transparent.

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6. Claims 9,19,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over H. Kuki in view of J. Miller.

Kuki discloses all the subject matter as described in previous paragraph except of authenticating an originator of the communication message. J. Miller discloses secure web-based mail and authentication system incorporating the step of authenticating an originator of the communication message (see abstract). Therefore, it would have been obvious to one skilled in the art to use the step of authenticating an originator of the communication as taught by J. Miller in the system of Kuki in order to make the system more secure.

7. Claims 1,4,6,11,14,16,21,24,26 are rejected under 35 U.S.C. 102(b) as being anticipated by Syed et al.

Regarding claims 1,4,6,11,14,16,21,24,26, Syed et al disclose a selective call receiver incorporating the steps of receiving, at the wireless gateway, a communication message from a first communication network, the communication message including address information associated with a subscriber (page 6, line 30-page 7, line 33); storing, by the wireless gateway, the communication message, the communication message being stored in association with the subscriber (page 6, line 30-page 7, line 33); and selectively sending, with the wireless gateway using the wireless communication network, at least a portion of the communication message to a wireless device (page 6, line 30-page 7, line 33).

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8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT PATEL whose telephone number is (703) 308-5347. The examiner can normally be reached on Monday-Thursday from 6:30 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WELLINGTON CHIN can be reached on (703) 305-4366. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377 .

AJIT PATEL

July 7, 2003


Ajit Patel
Primary Examiner